



CITY OF SIMI VALLEY

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June 17, 2009

Transmitted via e-mail to mvoong@waterboards.ca.gov

Mr. Man Voong
California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street
Los Angeles, CA 90013

SUBJECT: COMMENTS ON DRAFT 2008 303(d) LIST

Dear Mr. Voong:

The City of Simi Valley appreciates the opportunity to comment on the Draft 2008 303(d) List and respectfully opposes the listing of trash in the Arroyo Simi (Reach 7) on the Draft List. The City understands the fiscal challenges facing the State agencies, as the City is facing very similar fiscal challenges. The response for us must be to collectively and jointly find cost-effective, efficient solutions to issues we encounter.

First, on a technical level, there may be inadequate data to support the listing. Members of the *Parties Implementing TMDLs on the Calleguas Creek Watershed* identified a discrepancy in the data available on the fact sheet (Decision ID 10423). The Ventura Coastkeepers staff revised the data sheet to correct the inaccuracy. The State's Listing Policy indicates the need to use both numeric and non-numeric data for determining a trash listing. The City requests that the 303 (d) listing follow the policy for submittal of non-numeric data. Such data could be photographic evidence allowing locations to be determined and/or detailed data on trash, including location, to facilitate an effective TMDL development. Data used to justify listings for impairments like trash require supporting documentation to ensure that the observations are verifiable.

A 303(d) listing of trash in the Arroyo Simi is not a cost effective means to address this issue. Importantly, the Waste Discharge Requirements for Ventura County Municipal Separate Storm Sewer System includes significant new requirements to reduce trash in the storm sewer system, and should provide more tangible progress towards reducing such pollution. This is a more effective means to remove the impact than subjecting the issue to further study under a TMDL. Actions planned already by the City include:

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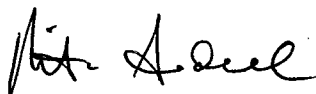
- Prioritizing, inspecting, and cleaning catch basins based trash at the location;
- Managing trash at public events;
- Installing and maintaining trash cans in high trash generation areas; and
- Installing excluders on catch basins or conducting alternative BMPs to reduce trash discharges to receiving waters in the next two years.

Should your agency decide that a 303 (d) listing meets the Listing Policy requirements, the City requests a Category C, "addressed by action(s) other than a TMDL," listing. This would follow the City's understanding of the State's Listing Policy to allow existing programs to address water-related trash. A significant effort by your agency and all of the Ventura County Cities and the County of Ventura recently resulted in the adopted Waste Discharge Requirements for Ventura County Municipal Separate Storm Sewer System. The State's Listing Policy specifically acknowledges that storm water permits and associated Storm Water Management Plans (SWMP) are existing programs that justify Category C categorization. The Waste Discharge Requirements for Ventura County Municipal Separate Storm Sewer System is an adopted regulatory program that is enforceable by the RWQCB, contains a monitoring program and reporting programs that demonstrate progress, and provisions to address discharges of trash to the Arroyo Simi within a reasonable amount of time. This meets all the State's Listing Policy for the Category C categorization.

For the reasons set forth above, the City requests your consideration on the proposed 303 (d) listing for trash in the Arroyo Simi – either defer action, or use the Category C designation. The City is strongly committed to addressing trash in the Arroyo Simi, and your agency has already acted to permit and enforce such programs to address trash. There is insufficient data to support the 303 (d) listing, and there is no regulatory need to add another plan to actions already underway.

Thank you for considering the City's offered alternatives. If you have any questions or comments, please contact Mr. Joe Deakin, Assistant Director of Public Works, at (805) 583-6401 or jdeakin@simivalley.org.

Sincerely,



Mike Sedell
City Manager

cc: Director of Public Works
Assistant Director of Public Works
Executive Officer, RWQCB